

# SPEECHES

OF

Hon. HUMPHREY MARSHALL & Hon. B. F. HALLETT,

IN THE

CITY OF WASHINGTON,

ON THE

NOMINATION OF BRECKINRIDGE AND LANE.

## SPEECH OF HON. HUMPHREY MARSHALL, OF KY.

GENTLEMEN: I am not in the habit of receiving calls from Democratic masses; but, it would be an affectation to conceal my knowledge that I am indebted for the honor of this visit to your desire to hear, from my own lips, a confirmation of the rumor, that I will support Breckinridge and Lane at the next Presidential election.

I cheerfully render my own testimony to the truth of that statement. [Applause.]

It might have been more prudent to defer this declaration until after a free conference with those friends in Kentucky with whom I have heretofore acted, and by whom my past career has been so generously sustained. Others may watch the direction of the popular current, who wish to swim on its tide to a haven of success; my ambition is not for place or preferment; it rises no higher than to the simple performance of duty, and I leave consequences to take care of themselves. I have no hesitation as to the position it becomes me, at this crisis, to assume; and I should be recreant to my own sense of the obligation a free citizen owes to his country, were I not, when called upon, to advance to the occupancy of that position with the firmness and the alacrity which import a union of my conscience and my action upon the line of conduct I mean to pursue.

Gentlemen, I am familiar with the points upon which the Democrats have failed to agree. They involve principles which I have frequently discussed, in Congress and out of it—on the stump, at home, and elsewhere. I am not now taking a stand for the first time upon those principles. I made, in 1856, a somewhat celebrated declaration, that, between JAMES BUCHANAN, if he were the exponent of the doctrine of squatter sovereignty, and J. C. Fremont, as the exponent of the doctrine of the Wilmot Proviso, I would not toss up a copper for choice. I was then discussing the Cincinnati platform before the people, and I then saw the ambiguity which made it Janus-faced—presenting one view to the North and another to the South. Southern Democrats did not believe me. They denounced my suspicions as the effect of partisan rancor. I told them, then, that Mr. Douglas did not entertain the same view of the platform they did; and that, one day or another, they would find all the evils which could flow from such a persistence in maintaining party lines at the expense of important principles would “come home to roost.” I must be permitted to say I did not anticipate the rupture which occurred at Charleston, and was consummated at Baltimore. It may sever the ties which bound the Democratic party together, North and South, but it is a homage to principle. It exhibits the Democrats who have nominated John C. Breckinridge as at last awakening to the facts which I have stated to them a thousand times, and as ready to prefer sound principles to unsound party associations.

I render them the tribute of my respect for the choice they have made, and I think their country will do the same.

Fellow-citizens, the rupture of the Democratic party has taken place essentially on the same ground upon which the Whig party went to pieces, and which afterwards rent the American party in twain. The same cause severed the relations of the church, North and South. It is not astonishing that under its force, though last of all, the tower of Democracy has fallen. It is evidence, which a considerate people will regard, that there is a wide difference of principle—of cardinal, vital principle—that no force of party traction can withstand, and which DEMANDS A SETTLEMENT, final and satisfactory.

Gentlemen, after the Whig party went to pieces on this issue in 1852, because Northern Whigs “spit upon the platform” which pronounced in favor of the principles of the compromises of 1850—after the American party severed in 1856, because Northern Americans would not yield this most baneful theme of “anti-slavery agitation”—I tried in vain, in

the last speech I made in Congress, to evade this issue, by creating some other upon which to divide parties, until time could cure the evils which would flow from this agitation. I appealed to the conservative North to come to the rescue, and to refuse to follow the Republican leaders into the new campaign, under banners which had no inscription upon their folds but antagonism to the slaveholding States of this Union, but anathemas against slaveholders, and an affirmance of the doctrine of an irrespressible conflict between systems, until a homogeneousness of labor should be established everywhere through the land. I appealed in vain. Satisfied that I could no longer render my country service in the existing condition of things, discontented to stand, as I had stood for four years, between the Democratic and Republican parties, while both of them occupied wrong positions upon this great question—which involved the equality of the States and the equality of the people of the States—I withdrew from the public councils, and returned to the more quiet walks of my profession. But I have been an anxious spectator of the signs of the times. Your action at Charleston and at Baltimore is so definitive that I see it must change the issues of the approaching canvass. The question comes up for a definite solution, and the people of both sections find themselves in a crisis, to demand the exercise of all their prudence and all their patriotism.

I understand the matter thus: After the delegates met at Charleston the committee on resolutions was appointed, and in that committee it was proposed to reannounce the Cincinnati platform of 1856 as the platform of principles maintained by the Democratic party. But a part of that committee, representing constituencies in the slaveholding States, asked that this announcement should be accompanied by explanatory resolutions to this purport:

"1. That Congress has no power to abolish slavery in the Territories. Second, That the territorial legislature has no power to abolish slavery in any Territory, nor to prohibit the introduction of slaves therein; nor any power to exclude slavery therefrom, nor any power to destroy or impair the right of property in slaves by any legislation whatever.

"2. Resolved, That it is the duty of the Federal Government to protect, when necessary, the rights of persons and property on the high seas, in the Territories, or wherever else its constitutional authority extends.

"3. That when the people of a Territory come to make their State constitution—which is an act of sovereignty—their admission into the Union should not depend on the question whether they choose that their State shall be a slaveholding State or a free State."

The other part of the committee refused to accede to these propositions, and, on the contrary, adhered to the doctrine announced by Judge Douglas, which asserts the right of the people of a Territory, while in their territorial condition, to legislate so as to exclude slaveholders from an enjoyment of their slave property in the Territory, and denies to Congress the power to extend to them any protection against such unfriendly legislation.

I believe I have truly stated the points of difference which ultimately severed the Convention, and have presented to the country the nominations of Senator Douglas and of Vice President Breckinridge. It is also true that, from the slaveholding States, many Democrats were present who refused to leave the Convention upon these points of difference, regarding them as of no consequence; while others distinctly coincided with and embraced the doctrines advanced by the Senator from Illinois; and upon these points the latter promised the acquiescence of the people of the slaveholding States, to be shown by the defeat of Mr. Breckinridge.

The lines of the canvass are thus drawn, so as to call on the people of the slaveholding States to AVOW THEIR SENSE OF THEIR OWN RIGHTS IN THESE PARTICULARS, and that call renders it imperative, in my opinion, that every legal voter in those States should turn aside from other questions to act upon these, which are thus rendered paramount for the occasion. I cannot imagine a wider mistake than those gentlemen have made who would persuade our Northern people that the slaveholding States have been indifferent to their rights in the Territories, or their equality under the Constitution and the laws. I think they must find themselves in a sad minority when the day of trial shall come, if they expect that party drill can make "squatter sovereignty" regiments out of true Southern men. I shall never believe, until the fact is placed beyond dispute, by a count of our votes, that the people of the slaveholding States will be willing to write their own voluntary relinquishment of their constitutional rights, or present themselves, all naked and yoked, before the black-republican chiefs, ASKING to pass "THE CAUDINE FORKS." No, gentlemen, no; the people of my section know their rights, and they will maintain them. They have asked for nothing more than mere and plain rights, and, my word for it, they will be contented with nothing less. At any rate, they will never come up, voluntarily, to be shorn of privileges which belong to them as equals in this common partnership, or throw these away by a manifestation of indifference to the result when their rights are flatly challenged. If they do, how will the history of such a result read? Thus: It being charged by Mr. Douglas that the slaveholder from Kentucky can only hold his property in the common territory of the United States by permission of those who first enter the Territory and institute order under a territorial government established by Congress,

this question was referred to Kentucky herself, Breckinridge being the advocate before that people of their right to equality for persons and property in the Territories with the people from other States. It came to pass, in this state of the case, that Kentucky discarded her own son and abandoned her own rights, and took off her own civic garments and clothed herself in sackcloth and ashes, and went forth in the train of her Northern superiors, crying "unclean," "unclean."

I tell you, my countrymen, there is not a slaveholding State in this Union will do this thing. It is folly to believe it. When the voice of Kentucky shall be heard upon the gale, her mountains will be vocal and her valleys will ring with the cry of Union and Equality—Equality forever. She cannot be persuaded to indifference. Her freemen are intelligent and spirited, and they understand what this proposition means. They know the Supreme Court has decided that Congress has no constitutional power to pass a law prohibiting them from going upon the public domain with their property, as the citizen of a free State goes there with his property. They will stand by that decision, for we all argued that such was the law of our case before the court decided it. The Republicans may say *they* care nothing for the decision, and will not respect the court; we believe they will not be able to execute their threats, and we will, at any rate, wait for them to attempt it. But when Mr. Douglas preaches to us that, though Congress cannot bar us from the Territories, it can create an instrumentality which can and will keep us out, or will render our property useless if we do go in, our people are not so stupid as to swallow what he offers, nor will they stand silently by and see him make a state of case which will enable him to say hereafter they did accept his doctrine as the true measure of their rights:

Ah! but methinks I hear some one ask why we will not stand by Bell and Everett under their patriotic motto, "The Union, the Constitution, and the enforcement of the laws?" I answer for myself: because a question has been raised among us which their platform does not solve, and which would leave us open to misinterpretation and future misrepresentation. If the Douglas Democrats, who advocate squatter sovereignty, finding themselves in a minority, shall fuse with the Bell and Everett men to defeat Breckinridge, their only object in doing so will be, to give an appearance to the result as having decided the question, on which Mr. Breckinridge is put up, against our view of the equality to which our people are entitled in the Territories. Under ordinary circumstances, Bell and Everett would make a most respectable combination—under ordinary circumstances, the opposition to Democracy would sustain it even on the broad generality which the Constitutional Union party has launched as sufficient and best for the times. But Charleston and Baltimore have made *extraordinary* circumstances which summons us all to action, in our own behalf, in another direction. Of a winter's night I would prefer to listen to the old farmer by his fireside, but if news came that wolves were in the folds, threatening havoc among the sheep of our pastures, I would leave the fireside and the farmer, and follow to the field the young, vigorous, brave leader, whose energies and known character afforded me the hope that he would protect my property and have a proper care for my interests.

I have thought much of this question on which Mr. Douglas essays to win in the coming canvass. He would tell us slavery is the creature of municipal law, and whenever it goes beyond the municipal law "the shackles of the slave fall, and he stands as free as his master." Take this case: I am a Georgia planter, and want to go from Savannah to Texas—changing my residence from one slaveholding State to another. I embark my wife, children, and servants on American vessel, and I am soon more than a marine league from shore—on the high seas—where no municipal law prevails. There is nothing over me but the flag of my country; under me the deck of an American ship. Is my slave free? According to this new-fangled doctrine, he is; and the Black-Republican will say he is, for he denies the protection of the flag. But will Mr. Douglas say he is free? I presume not. What protects my right? The flag. Why and how? Because, by fiction of law, it floats over the TERRITORY (the deck) of my country. If this be so, will not that flag protect me in the same property when it floats over the actual territory of my country, where there is no municipal law to prohibit me from being there with my slave? I say it will, and I would be glad to be corrected fairly in this argument if I am wrong. [Applause.]

VOICES on the border of the crowd. "Hurrah for Douglas!" "Douglas forever!"

Mr. MARSHALL. Ah! my good friends, stand up and hear sound argument, and don't attempt to escape by a hurrah. It looks like sticking to your man in spite of your principles. VOICES again. Hurrah for Douglas!

Mr. MARSHALL. Well, there is one fact I will call your attention to: You Douglas men who would disturb us are to-night where you will be in November—on the OUTSIDE OF THE CROWD. [Immense laughter and applause.]

A VOICE. Will you answer me a question—a civil question?

Mr. MARSHALL. Yes, if you will show your face.

SAME. Have you abandoned your Americanism to support John C. Breckinridge?

Mr. MARSHALL. No. My principles as an American are as warmly cherished by me as they ever were, and I shall always believe that the best interests of my country would have been subserved by adopting an amendment of our naturalization laws, and limiting suffrage to citizenship everywhere. I cannot make the law by myself, and other men, calling themselves Americans, have abandoned that organization. I am just as much an American this moment as I have ever been, and all the time, as an American, I advocated, in Congress and out of Congress, the identical doctrines I advocate here this night. I have a hope that all true Americans who, like me, love the Union, will go with me now as they have done heretofore, and, by giving to Mr. Breckinridge a hearty and unequivocal support, will lend a helping hand to the maintenance of principles which lie at the very base of the peace and union of these States.

It may be proper, since I have been thus questioned, that I should say here that I am not seeking to enter the Democratic organization. I differ with Mr. Breckinridge upon many questions, perhaps, of public policy, but there are many upon which we agree. I have great confidence in his sense of honor—in his integrity as a gentleman—in his circumspection and caution as a statesman—in his freedom from the impulses of sudden passion—in his deep devotion to the Union—and his clear perceptions of the right and wrong whenever he shall be called to choose between them. I have marked him closely in the high office he has filled under this Administration. It has not required him to do much, but there is a very high merit, and it requires high qualifications, in an elevated station, to do nothing and do it handsomely. Little men always fail at this, because they cannot repress their desire to have a hand in the Administration.

I feel that the existing condition of affairs has imposed upon Mr. Breckinridge a still more responsible position than any to which he has yet been called by the people. His candidacy for the presidency asserts the principles, on the part of all the States, of the equal participancy of all the people of the States in the common domain bought by their common blood and treasure. It asserts the constitutional rights of minorities; it represses the domination of mere numbers; it enforces the great principles advocated by Clay and Webster, and of which I have been an humble advocate ever since 1850. Therefore, I sustain his nomination; and while I take nothing back of my own views on other questions—while I ask nothing, and expect nothing, in the event of his success, (for he has political friends nearer to him than I am, who are better qualified, and have higher claims than I)—I say here that, in the contest as it is shaped at present, he will have no friend more ardent than I shall be, or whose plume will be more forward in the fight for the assurance of that safety of the Union which has been so highly jeopardized by pressing forward in this crisis those illogical points which distinguish from first to last the unfortunate doctrine of “squatter sovereignty.” They will never be accepted by the Southern people. Southern Democrats have always denied their existence in their platform, and they now stand ready to resist them. I extend the hand of true fellowship in the contest. I will do my best to sustain the rights which our people enjoy under the Constitution. I am no extremist—I love the Union—I will fight for the Union—I would die for the Union—but I will never betray the equal rights of our people in the Union. Soberly and quietly I say to you that I love my wife and children, who are now in my Kentucky home; but rather would I see them turned into the woods to live among the forests of our hills, without shelter from the storm, than to enjoy the comforts which now surround them, if these are to be purchased by the surrender and sacrifice of the constitutional rights of our people. I am among the humblest of that people. I hope to die on the soil of Kentucky, but I would prefer to be an exile from my native country than to live upon it, deprived of my birthright. We will have equality. I tell you our people will have equality under the Constitution, and no human power, no party ties, no political watchwords, no personal resentments or disappointments, will make them abandon their own rights. Mr. Webster embraced this whole question ten years ago. His speech in the Senate in 1850 in twenty lines contains all we have ever advanced upon this question of territorial sovereignty and of protection to property in the Territories. I keep that speech always by me, and I will close these remarks by reading to you what the great man of New England said in 1850 on these questions. Where he stood in that speech I stand now, and it is interesting to observe how far Northern sentiment has advanced, how steadily Southern sentiment has settled upon the true ground. We will not be diverted from it. We will yet maintain it firmly and with success. The step in the true direction is to rally upon Breckinridge and Lane, without regard to party.

Mr. MARSHALL then read the following extract from Mr. Webster's speech:

“The argument is, that by possibility it may become necessary to pass laws respecting slavery, if slavery shall ever exist there. Now, I suppose that the amendment proper to be introduced for the purpose which has been signified by the gentlemen who have spoken would be to strike out those words, and to say that the territorial legislature shall have no authority to pass any law for establishing or excluding slavery in the territory. It appears to me that this is the upshot of the whole matter. That is very proper, because I take it that the meaning of the whole is that this question shall be left to the people of the State to decide after it becomes a vote.”



reignty by admission into the Union on the same footing with the original States. It may then be a question for the people themselves to decide, because I take it to be clear that it is a municipal question. It is a question for the decision of the people in their State sovereignty, and there may be a propriety—there certainly is no impropriety—in excluding the exercise of any power in the territorial government for the establishment or exclusion of slavery.

It has been advanced that these people, while a Territory, have a right to do anything and everything that belongs to the rights of man. I cannot conceive that they have.

We have always gone upon the ground that these territorial governments were in a state of pupillage, under the protection or patronage of the General Government. The territorial legislature has a constitution prescribed by Congress. They have no power not given by that Congress. They must act within the limits of the constitution granted them by Congress, or else their acts become void. The people under the territorial government are not a sovereignty; they do not constitute a sovereignty, and do not possess any of the rights incident to sovereignty. They are, if you so please to denominate it, in a state of inchoate government and sovereignty. If we well consider this question upon the ground of our practice during the last half century, I think we will find one way of disposing of it. It is our duty to provide for the people of the Territory a government to keep the peace, to secure their property; to assign to them a subordinate legislative authority; to assign to them a subordinate judicial authority, to see that the protection of their persons and the security of their property are all regularly provided for; and to maintain them in that state until they grow into sufficient importance, in point of population, to be admitted into the Union as a State upon the same footing with the original States. It seems to me that that is all our duty. I shall most readily concur in anything which tends to the performance of that duty. But I cannot go into any general discussion about the rights of the people while under the territorial government, and do more than they are permitted to do by that constitution which creates a government over them."

## SPEECH OF HON. B. F. HALLETT, OF MASSACHUSETTS.

THE CINCINNATI PLATFORM CONSTRUED BY ITS AUTHOR.

FELLOW-CITIZENS: My voice is from the North. I propose to say some plain words for that portion of the North who in this unhappy, I trust temporary, division of the Democratic party, have felt it their duty, calmly and without reproach to others, but firmly, to take the side of Nationality, of the Constitution and the Union, under the just interpretation of that Constitution for the equal rights of all the States in all the Territories. We are here, not for secession, but for the Union. We have looked through the history of parties in our common country, and we find that the empire of Democracy, under which these States have grown from thirteen to thirty-three popular sovereignties, and have unitedly become second to no power of the earth, has been sustained only by the union of the northern and southern Democracy. We find that this united Southern and Northern Democracy has achieved every acquisition of territory, maintained successfully every war, and accomplished every measure of great national policy that has marked the progress of this people in the grand march of popular empire; and we have also found that this Union is in danger only when the opponents of the Democratic party have been permitted briefly to hold power by the temporary division of the Northern and Southern Democracy. And therefore it is that the North is here with the South in this movement which is to decide the question to whom that national flag belongs, which is broad enough to cover with its ample folds this whole Union.

We have just come up from the divided councils of the Democratic party at Baltimore. For the first time since 1828 we have failed to unite upon men and measures.

But I have no purpose and no desire to censure or condemn. I mean to utter no words of reproach or bitterness in this canvass. Opposed as we are now, let all Democrats treat each other not as vindictive enemies, but as hoping again to be friends. I take the fact just as it is—a divided Democratic party, and not the less divided no matter who or what is to blame for it; and out of this division the country must calmly select the materials for a reconstruction of the Democratic party on a sure foundation of the Union, a just interpretation of the Constitution, and an entire abnegation of all sectionalism and all negroism. We think it will be found in this national nomination of Breckinridge and Lane, whose names and antecedents and localities are the highest pledges of devotion to the Union. And I trust it will yet be found in the reunion of the Democracy before the election.

And now permit me to point out to you the line of division which clearly marks the two positions of the Democratic party touching the platform. I believe in platforms as essential to the very existence of political faith. The Democratic party has always relied on platforms since the resolutions of '98, and it has never before refused to explain its platforms when subject to a double construction. Is not that the present condition of the Cincinnati platform, which both Conventions have adopted entire? In that connection, I may say here to-night that I made all of the Cincinnati platform which bears on this question, and therefore I think I understand it, and have some little right to expound it. And I affirm of that platform that it has not, nowhere in it or under it, by line, or sentence, or word, or construction, or possible conception, one particle of "squatter sovereignty."

"Squatter sovereignty," if it have any meaning, means that the legislature of a newly-organized Territory, at its first session, can prohibit and destroy the right of the citizens

of all the States to come into that Territory or live in that Territory with their slave property. But the Cincinnati platform denies that power in the most explicit terms. Commencing with the severance of eight of the Democratic electoral States from the Convention at Charleston, the division has been consummated at Baltimore by the seventeen Democratic electoral States, with five other States in whole or in part, forming what their delegates believed to be a National Democratic Convention, and making the only nominations that can secure the votes of those seventeen reliable States, without which the Democratic party cannot even hope for success. The other Convention has been left without a single entire State remaining in it having an assured, if, indeed, a hopeful, Democratic electoral vote—reduced to less than two-thirds of the electoral colleges, even with all their admitted substitutes without constituencies, and compelled to make their nomination only by the entire abandonment of the common law of Democratic conventions, which never before went into a presidential contest without a two-thirds vote for their nominees. In fact, therefore, there is no nomination binding on Democrats according to the uniform usages of the party.

This disruption, so momentous, so painful to every lover of his country, must be for some cause. And what is that cause? A division, in part, on platform, but more especially a division on candidates, and a forced and unjust reorganization of the Convention to exclude legitimate and admit unauthorized delegates without Democratic constituencies, in order to change the majority.

In the preamble of the Cincinnati platform "the Democracy place their trust in the *discriminating justice* of the American people." The North, in the Convention at Charleston and at Baltimore, persistently denied to the South this "discriminating justice," by refusing to make that explanation of its misinterpreted platform, wherein the South has a plain right to know what the North means touching the equal rights of the South in the common territory.

That has been the dividing difficulty on the platform; and as to the candidate, the forced numerical majority in that Convention insisted upon having one man and no other, while all the rest were ready to unite on any other terms. After announcing "NON-INTERFERENCE" by Congress as the rule, it fixes the precise time when alone, and not before, the PEOPLE of a Territory can intervene and act upon slavery; and that is, when forming a constitution for a State. It sums up the whole power of the Territories over slavery thus:

"Resolved, That we recognize the right of the PEOPLE of the Territories, (not the legislature,) whenever the number of their inhabitants justifies it, to form a constitution, with or without slavery, and be admitted into the Union upon terms of perfect equality with the other States."

Thus it is defined that the right of the people of a Territory to settle the status of slavery begins only when they begin to form a constitution, and not before. That is the Cincinnati platform, clear and palpable, and in nowise liable justly to a double-faced construction. And it fixes this sovereign power of destroying or impairing property, at the time of making a constitution, for a very sound reason. It is this: A territorial legislature can raise no revenues from the people, but is itself merely the paid agent and servant of the General Government, and therefore can have no power to take property from citizens, because it has no power to compensate them for taking away their property. When it becomes a State it has that sovereign power, and may justly exercise it, because it will provide, as in all State constitutions, that private property shall not be taken away without adequate compensation.

But, plain as the Cincinnati platform is, it has been subjected to misinterpretation, and squatter sovereignty, instead of *popular sovereignty*, has been attempted to be interpolated in it. This was one common-sense reason why it should be fairly explained. Moreover, when the Cincinnati platform was made, there was a judicial question not decided as to the precise time when the people of a Territory should determine the slavery question for themselves under the Constitution. Now the Supreme Court, since the adoption of the Cincinnati platform, has decided that the power does not begin till the constitution begins. Hence the single question for the convention at Charleston was, whether they would make an explicit declaration on this point explanatory of the true intent and meaning, North and South, of the Cincinnati platform in this respect.

Tell me, was not that a just and reasonable demand, that it should be explained and put upon record beyond doubt or cavil? Such is the uniform practice in all declarations of principles in religion or politics. That was all that was required touching this question of territorial power over the individual property rights of the settlers in a Territory before it becomes a State; and how can any fair-minded man say that it ought to be kept open to a double construction North and South? As honest men, we could not preach two opposite doctrines from the same text in the same church, and, therefore, the Democratic party, when reconstructing its platform to place a candidate upon it, were bound to declare just what they meant by "popular sovereignty" as applied to the Territories.

This they refused to do at Charleston. This they refused to do at Baltimore, unless, indeed, they have done it by their vague resolution, susceptible of many constructions, adopted after the severance of the Convention, and after the double nominations were made, and at the very close of their session, when it was too late to harmonize. A resolution which, if it have any meaning, seems to utterly renounce the very squatter sovereignty on which they made the division, and recognizes the Dred Scott decision and all present and future restrictions which the Supreme Court have or may put upon territorial power over domestic relations! They have thus, by a sort of indirection, taken away their whole argument upon "popular sovereignty" in the Territories. But before they did that, they not only adhered to their Charleston refusal to explain in the platform what they meant by "squatter sovereignty," but they so reconstructed their Convention by the exclusion of sovereign States and original delegates, that the necessity was put upon the seventeen retiring States which held the assured Democratic electoral votes, to proclaim their national creed in unmistakable terms, having but one meaning both North and South.

This they have done in a separate Convention. They reaffirmed the Cincinnati platform with three explanatory propositions, and to those three propositions let me, somewhat in detail, call your candid attention. They read as follows:

"First. That the government of a Territory, organized by Congress, is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory without their rights, either of person or property, being destroyed or impaired by congressional or territorial legislation.

"Second. That it is the duty of the Federal Government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends.

"Third. That when the settlers in a Territory having an adequate population, form a State constitution, the right of sovereignty commences, and being consummated by admission into the Union, they stand on an equal footing with the people of other States, and the State thus organized ought to be admitted into the Union whether its constitution prohibits or recognizes the institution of slavery."

These are all the propositions touching the interpretation of the Cincinnati platform. Take them in their most comprehensive sense, and what do they affirm?

First, that all citizens have an equal right to settle with their property in the common territory, free from all risk that their rights of person or property, when they get there, shall be destroyed or impaired by either congressional or territorial legislation. Who will gainsay this? It is only our doctrine of NON-INTERVENTION against the rights of property extended to the territorial legislature as well as to Congress. Who will say that the property rights of citizens settling there from other States may be interfered with and destroyed by a territorial legislature? To affirm this territorial power is to declare that a territorial legislature may rob citizens of their property without compensation. Now, shall not the citizens who go with their property to settle in the territories be protected from the robbery of a territorial legislature? To that question this proposition says yes. Who says nay?

The SECOND PROPOSITION affirms the duty of the General Government, in all its Departments, to protect, when necessary, the rights of persons and property wherever its constitutional authority extends.

And is not that an universal principle of good government? Who says that the Federal Government shall not protect persons and property wherever it has authority to do so under the Constitution? Does it affirm anything more than that it is the duty of Government to exercise its constitutional functions in the protection of persons and property? And if the power which the Government is called upon to exercise be only, as in this case, CONSTITUTIONAL POWER, who can deny the right and justice of its exercise? It calls for no slave code, no special legislation of Congress, no tariff of protection for slave labor. It makes no discrimination whatever in favor of slavery. If slave labor in the Territories be property, then it is to be protected like all other property—no more, no less. And what Democrat denies that slave labor is property under the Constitution, and by force of all the decisions of the Supreme Court touching that property?

The Republicans deny it; and therein lies the first fundamental difference between the higher law of the Republicans and the constitutional law of the Democracy; and how can a Democrat refuse to affirm that distinctive principle which divides the country upon this issue?

The THIRD PROPOSITION is the same in substance as the resolution I have quoted from the Cincinnati platform. It makes popular sovereignty begin with the act of making a constitution. It sets up popular sovereignty against a vague, imaginary power in a territorial legislature to destroy property without compensation; and it affirms the only rule of self-government which, under our constitutions and laws, can apply to communities or States.

And tell me, now, if you can, where does "popular sovereignty" exist under our American institutions but in the people of the States? Where is there such a monstrous political creation to be found as a territorial legislature with an imaginary inherent power, outside of the institutions of the States, outside of the organizations of the Federal Government, and subsisting upon itself? A higher law in a territorial legislature to confiscate property than exists in Congress or in all the departments of the General Government?

The very statement of this extraordinary assumption of power proves that it cannot exist; and is it unreasonable to demand that such a power to destroy and confiscate property of all the citizens of all the States, when settling in the common territory, shall be explicitly disclaimed by the Democratic party in its platform?

Is it any better, nay is it as just as the Republican doctrine of absolute prohibition by Congress? Of what avail is the doctrine of congressional non-intervention, if it is followed by territorial prohibition? Better a congressional law that prevents the slave-owner going into a Territory to settle with his property, than a territorial law that robs him of his property as soon as he has incurred the risk and expense of removing there.

What, then, is the practical difference between the two doctrines? The Republicans insist upon congressional prohibition. The "squatter-sovereignty" sets up territorial prohibition. One puts the Wilmot proviso in Congress, and the other puts it in the territorial legislature. There is the whole of the argument.

Now let Democrats of the North be honest and square with the South on this point. The North, by spinning cotton, has immensely enhanced the value of slave labor to the South. They want to know what their rights with that labor are to be if they go with it into the Territories adapted to it. We cannot deny equal rights to all citizens to settle with their property in the common territory. We must repudiate principle, and repudiate the decisions of the Supreme Court, to deny it. Neither can we deny that slave labor is property, and if property it must have equal rights to protection with all property. And what, then, will you do with it in the Territories before they assume State sovereignty? You must either give it protection like all other property, or you must assume the power to destroy it. Having driven the Wilmot proviso out of Congress, shall we set it up against the South in the Territories?

The Democratic doctrine which all have agreed to is "non-intervention." That is a fundamental principle in the Democratic creed which is to be maintained as firmly now as before the Dred Scott decision. Nay, the Court affirms, and does not deny that principle, "NON-INTERFERENCE WITH SLAVERY BY CONGRESS IN STATE OR TERRITORY AND IN THE DISTRICT OF COLUMBIA." That is our creed. Shall we turn it round, and put intervention in the hands of a reckless territorial legislature? No. If we are consistent we must extend non-intervention from Congress to the territorial legislature. Neither shall we destroy or impair the rights of property. And here, fellow-citizens, the national Democracy hold two distinct positions for the conservative element of the country to repose on:

*First.* Opposition to the Wilmot proviso in Congress, and like opposition to it in a territorial legislature.

*Second.* Non-intervention by Congress and non-intervention by a Territory until it begins to form a constitution.

Any other doctrine carries with it anti-slavery into the territorial legislature as a substitute for anti-slavery in Congress. The negro is in it, and that I apprehend is the whole source of its vague popularity in the North, and of the tenacity with which it has been adhered to in the recent Convention; and the Northern people will be amazed when they find that the Convention has by a sort of disclaimer abandoned this very doctrine, or at least left it to a double and doubtful construction North and South.

True, it is a very little negro which a portion of the Northern Democracy propose to use in the elections, by means of the territorial Wilmot proviso; and they assure us it is not the full-grown abolition negro of the "irrepressible conflict" which they mean to adopt. And, therefore, they tell the Democracy that it will really do no harm to take this little negro in their arms and nurse him, and present him to the people in those districts where he may help get enough abolition votes to bring about a plurality and affect some district and State elections.

But will this be fair to the Democracy or fair even to the Republicans? for if it is right to exclude slavery by territorial prohibition it must be right to do it by congressional prohibition; and the Supreme Court has decided that both are equally violative of the Constitution. And hence if there is right in this doctrine of barring out the South from the Territories, the Republicans are surely the most right in claiming sovereignty in Congress to be exercised to entire and utter exclusion. Therefore I say let them have the large negro of congressional prohibition and the little negro of territorial prohibition, and the whole negro in this contest; and let Democrats and conservative Union men uphold the equal rights and the constitutional government of white men who made it. We will not have the negro as an element of political power in Congress or in Territory, and that is the only clean national platform the Democracy can stand upon, and proclaim, as it hitherto has done, the same universality of doctrine for all sections of the land—East, West, North, and South—viz: the equality of rights of all property in the Territories to all the citizens of all the States settling there!

And how is that equality to be preserved, when, by this process of colonizing and abolitionizing Territories, you put it in the power of a single State to send out its trained emigrants to every Territory as fast as it is organized, and by seizing on the elections of the legislature and securing two-thirds of the members, exclude from every Territory the citizens of fifteen States?

It is this element of forced abolition colonization which has changed the entire aspect of the question as to a Territory regulating or restricting the institution of slavery before it becomes a State.

When this question was first agitated the North and South both agreed to non-intervention, either to establish slavery or to prohibit slavery in the Territories. That was Democratic "non-intervention," then, and it is Democratic "non-intervention" now. And as to protection of property in the Territories, all agreed that the Court should decide, and in the mean time the people were to form and regulate their domestic institutions in their own way, SUBJECT ONLY TO THE CONSTITUTION OF THE UNITED STATES. And there all were willing to leave the settlement of the Territories in good faith to the adaptation of soil and climate, to demand and supply, and to the natural laws of emigration and the great law of self-interest. But, instead of this, there arose this forced and hired political emigration of armed bands of abolitionists to seize upon territorial legislatures and fasten their doctrines upon them; and out of this came conflict and civil war and the threatened dismemberment of the Union. And moreover the Supreme Court has decided that a territorial legislature has no power to prohibit slavery until it becomes a State. And now, to save the country from these terrible sectional conflicts, there is no safe remedy, no fair play in the settlement of new Territories, no law of the land, but NON-INTERVENTION BY THE TERRITORY, AND THE EQUAL PROTECTION OF ALL THE RIGHTS OF PROPERTY OF ALL THE CITIZENS SETTLING THEREIN, UNTIL THE SOVEREIGNTY OF THE PEOPLE BEGINS IN THE ACT OF FORMING A CONSTITUTION FOR THE STATE.

This is our "popular sovereignty"—the sovereignty of all the people against the squatter sovereignty of Aid Emigration Abolition Societies—and who can say it is not right and just and constitutional, and peaceful and conservative in all its elements?

It is this protection of law against violence in the settlement of Territories which the peace and the Union of the country demand, and by which we mean to abide in our nationality. It is the great democratic principle of justice to all, upon which, since the foundation of the Government, territory has been acquired, and new States admitted into the Union with or without slavery, as they chose, until this great empire of States has been expanded to the measure of its present and prospective greatness.

If democrats will agree to bear aloft that national banner we shall have no disunion, South or North, for there will be no injustice to either section to impel to disunion. And though the clouds of division now seem to be gathering over us, and our opponents begin to exult that in this division they will find success, yet these clouds must pass away, for the Providence that has guided our fathers will not utterly leave the councils of the people; and the Northern and Southern Democracy, BEFORE defeat, if they are wise, or after it, if they must needs be taught by that stern lesson, will, as in days past, when for sixty years they shaped the destinies and guided the Government of these United States, again unite and achieve new political victories, acquire new Territories and establish new States in this glorious Union, until this whole continent of North America shall be ours.